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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,770	03/29/2004	Joseph S. Ferris	FRJ-2CIP	9511
20808	7590	07/11/2005	EXAMINER	
BROWN & MICHAELS, PC 400 M & T BANK BUILDING 118 NORTH TIoga ST ITHACA, NY 14850			TORRES, ALICIA M	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/811,770	FERRIS, JOSEPH S.	
	Examiner	Art Unit	
	Alicia M. Torres	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/3/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

"lower the front edge" in line 1 of page 6 is awkward;

"Blade" in line 5, page 6 should not be capitalized;

"manor" in line 12, page 6 should be changed to -manner—;

"require to leading" in line 13, page 6 should be changed to -require the leading—.

Appropriate correction is required.

Claim Objections

3. Claim 2 is objected to because of the following informalities: subsection "iv" includes itself. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-9, 11, 12, 13, 15, 18, 19 rejected under 35 U.S.C. 102(b) as being anticipated by Ogasawara et al. 5,367,864.

Ogasawara discloses a lawn mower comprising:

- A chassis (3) with drive wheels (2)
- A ground-following cutter deck (100)
- Rolling means (11) attached to the cutter deck (100)
- The rolling means (11) and drive wheels (2) support the chassis (3), as per claim 1; and
- The drive wheels (2) powered together, as per claim 4; and
- A suspension system (15), as per claim 5; and
- The suspension system (15) including a coil spring means (15a) between the chassis (3) and the drive wheels (2), as per claims 6-9; and
- The drive wheels (2) are vertically movable with each other, as per claim 11; and
- The cutter deck (100) acting as an axle means, as per claim 12; and
- The cutter deck (100) is able to move in a vertical direction, independently of movement of the chassis (3), as per claim 13; and

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- The cutter deck (100) and chassis (3) being independently responsive of each other to ground contours, as per claim 15; and
- Means (11) for adjusting the height of the cutter deck (100), as per claim 18; and
- Means (9) for lifting the cutter deck (100), as per claim 19.

6. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon 5,946,893.

Gordon discloses a lawn mower comprising:

- A chassis (20) with drive wheels (30)
- A ground-following cutter deck (24)
- Rolling means (32) attached to the cutter deck (24)
- The rolling means (32) and drive wheels (30) support the chassis (20), as per claim 1; and
- The drive wheels (30) being vertically movable independently of each other, as per claim 10.

7. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Samways et al. 3,077,065.

Samways discloses a lawn mowing device comprising:

- A chassis (14) with drive wheels (18)
- A ground-following cutter deck (C)
- Rolling means (12) attached to the cutter deck (C)
- The rolling means (12) and drive wheels (18) support the chassis (14), as per claim 1; and

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- Wherein the rolling means (12) functions as a steering means, as per claim 14.

8. Claims 2, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Peter 5,355,665, as cited by the applicant.

9. Regarding claim 2, Peter discloses a lawn mower comprising:

- A chassis (20) with drive wheels (23)
- A ground-following cutter deck (70) attached to the chassis (20)
- Rolling means (74, 75) attached to the cutter deck (70) comprising wheels
- The chassis (20) and cutter deck (70) are supported by the rolling means (74, 75) and the drive wheels (23).

10. Regarding claims 20 and 21, Peter discloses a lawn mower comprising:

- A chassis (20)
- Drive wheels (23)
- A ground-following cutter deck (70) assembly attached to the chassis (20)
- Wheels (74, 75) attached to the cutter deck (70) and supporting the chassis (20) along with the drive wheels (23), as per claim 20; and
- Wherein the drive wheels (23) are attached to the cutter deck (70), as per claim 21.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Peter.

The device is disclosed as applied to claim 1 above. However, Ogasawara fails to disclose wherein the drive wheels are independently powered.

Peter discloses a similar mower including drive wheels (23) independently powered from one another.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the independently driven drive wheels of Peter on the mower of Ogasawara in order to allow steering by speed allocation to the wheels.

13. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Gordon 6,170,242.

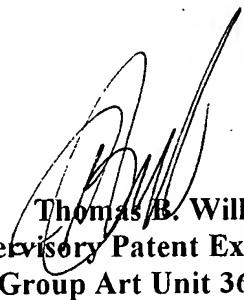
The device is disclosed as applied above. However, Ogasawara fails to disclose a means for adjustably precompressing the spring means.

Gordon discloses a similar mower including means (104, 106) for adjusting a pre-compressed spring (56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the spring of Gordon on the mower of Ogasawara in order to lessen the change in elevation when an operator mounts the mower.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ferris, Roof, Henson et al. have been cited as of interest.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 571-273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
July 7, 2005